REMARKS

The present amendment is responsive to the March 27, 2008 Office Action. Claims 1-3, 9 and 21 have been amended. No new matter has been introduced by these amendments. Support for the amendments may be found, by way of example only, at specification paragraphs 0033-0049 and FIGS. 1-4. The rejections will be addressed in view of the claims as presented herein.

Turning to the rejections, the Office Action has rejected claims 1-3, 9-12 and 21 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,370,394 ("*Anttila*") in view of U.S. Patent No. 6,709,330 ("*Klein*"). Of these, claims 1, 9 and 21 are independent. Applicant respectfully traverses the rejection.

The independent claims have been amended to clarify that the memory of the content providing apparatus or the server stores the progress of current game playing based on the ID code or unique code. As explained in the example set forth in specification paragraph 0048 of the published application:

> When the user goes out with game playing suspended in the middle thereof on the video gaming machine 5, the progress of the game playing is saved in the content providing apparatus 4. The multi-function mobile telephone 2 resumes the game playing from the point of suspension, by reaccessing the content providing apparatus 4 later. **Even when the user suspends the game in the middle thereof on the multi-function mobile telephone 2, the content providing apparatus 4 saves the progress of the game playing**. The user can resume the game playing from the point of suspension on the video gaming machine 5, by accessing the content providing apparatus 4 through the multi-function mobile telephone 2.

(Emphasis added.)

As explained in the example set forth in specification paragraph 0037 of the published application:

In response to the ID code, the content providing apparatus 4 identifies the multi-function mobile telephone 2 to which the video game software program is delivered. The content providing apparatus 4 then saves the progress of game playing if a game is suspended in the middle thereof. When the user resumes game playing later, the progress of the game playing is sent to the multi-function mobile telephone 2. **When the user suspends game playing on the multi-function mobile telephone as a game playing machine in the middle thereof, the user easily resumes game playing from the point of suspension by reaccessing the content providing apparatus 4**.

(Emphasis added.)

And as explained in the example of paragraph 0042 of the published application:

When the content providing apparatus 4 delivers a content to the user of the video gaming machine 5, the content providing apparatus 4 identifies the user referencing the ID code transmitted from the DNS server (for personal authentication). **Based on the ID code, the content providing apparatus 4 manages the state of the content (progress of game playing) used in a particular video gaming machine 5**, and calculates a content fee and bills the user for the content fee.

(Emphasis added.)

Applicant respectfully submits that the invention as claims is not disclosed or suggested by the purported combination of *Anttila* and *Klein*. The rejection asserts that *Anttila* teaches, among other claim limitations, "wherein the memory of the content providing apparatus is for storing a variety of statuses of the multi-function mobile telephone by the unique ID code (See col.4, lines 9-44)" with regard to claims 1 and 21. (Office Action, p.3, 11.18-20.) The Office Action admits that *Anttila* "fails to teach storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus." (Office Action, p.4, 11.7-9; *see also* p.5, 11.12-15.)

In order to overcome the admitted deficiencies, the rejection relies on *Klein*. According to the Office Action, *Klein* "teaches wherein game settings/state engine contains the information related to setting up the game as well as the information about the current state of the game. Game settings/state engine also enables players to resume play of a game previously exited (See col.11, lines 44-48) It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Klein et al in the claimed invention of Anttila in order to allow a game to be resumed. (See col. 11, lines 44-48)." (Office Action, p.4, ll.10-16.)

The cited portion of *Klein* contains a single sentence, which states: "Game settings/state engine 1312 contains the information related to setting up the game as well as the information about the current state of the game. Game settings/state engine 1312 also enables players to resume play of a game previously exited." (Col.11, ll.44-48.)

What the Office Action fails to address is the fact that the game settings/state engine 1312 is part of game engine 1302, which itself is part of an "option simulation engine 1300" as shown in FIG. 13 and described at column 11, lines 1-55. For instance, "FIG. 13 is a block diagram illustrating an option simulation engine 1300. Option simulation engine 1300 is comprised of a game engine 1302, an option market simulation 1304, and a portfolio manager engine 1306." (Col.11, ll.2-6). And "Game engine 1302 is responsible for keeping track of the game time and the state of the game. Game engine 1302 is comprised of a game time engine 1310 and a game settings/state engine 1312." (Col.11, ll.9-12.)

However, *Klein* does not disclose or suggest a content providing apparatus or a server that has a memory which "stores the progress of current game playing at the information terminal

based on the ID code" as in claims 1 and 21 or "stores the progress of current game playing at the terminal identified based on the unique code" as in claim 9. The other art of record also fails to disclose or suggest such limitations.

As *Klein* fails to overcome the deficiencies of *Anttila*, applicant submits that a *prima facie* case of obviousness has not been met. Therefore, applicant respectfully requests that the rejection as to independent claims 1, 9 and 21 be withdrawn.

Furthermore, claims 2-3 and 10-12 depend from independent claims 1 and 9, respectively, and contain all the limitations thereof. For at least this reason, applicant submits that subject dependent claims are likewise in condition for allowance.

Claim 4 has been rejected under 35 U.S.C. § 103(a) as being obvious over *Anttila* in view of *Klein* and further in view of U.S. Patent Publication No. 2005/0021863 ("*Jungck*"). Claim 5 has been rejected under 35 U.S.C. § 103(a) as being obvious over *Anttila* in view of *Klein* and further in view of U.S. Patent Publication No. 2005/0193209 ("*Saunders*"). Claim 6 has been rejected under 35 U.S.C. § 103(a) as being obvious over *Anttila* in view of *Klein* and further in view of U.S. Patent No. 6,148,253 ("*Taguchi*"). And claim 13 has been rejected under 35 U.S.C. § 103(a) as being obvious over *Anttila* in view of *Klein* and further in view of U.S. Patent Publication No. 2001/0025275 ("*Tanaka*"). Applicant respectfully traverses these rejections.
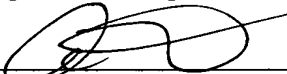
Claims 4, 5, 6 and 13 depend from independent claims 1 and 9, respectively, and contain all the limitations thereof. For at least this reason, applicant submits that subject dependent claims are likewise in condition for allowance.

As it is believed that all of the rejections set forth in the Office Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which may remain. If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 27, 2008   Respectfully submitted,

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